

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION

WRIT PETITION NO. 1919 OF 2006

Shri Pandurang Ganpatrao Khanaj & Anr. ..Petitioners.

V/s.

Shri Gopal Vishnu Ogale & Ors. ..Respondents.

WITH

WRIT PETITION NO. 1920 OF 2006

Shri Mahesh Shankar Pandhare & Anr. ..Petitioners.

V/s.

Shri Gopal Vishnu Ogale & Ors. ..Respondents.

WITH

WRIT PETITION NO. 1921 OF 2006

Shri Bhoir Hotels Pvt.Ltd., ..Petitioner.

V/s.

Shri Gopal Vishnu Ogale & Ors. ..Respondents.

WITH

WRIT PETITION NO. 1922 OF 2006

Narayan Dyandeo Sangle, since deceased
through his heirs and LRs:

1(a) Shri Sunil Narayan Sangle & Ors. ..Petitioners.

V/s.

Shri Gopal Vishnu Ogale & Ors. ..Respondents.

Mr.G.S. Godbole & Nitin Mulye for petitioners.

Mr. Amit Borkar for the Respondents.

CORAM : S. B. MHASE, J.

DATED : 24TH MARCH, 2006.

P.C.:

1. Heard. Rule returnable forthwith with consent of the parties.

2. The order dated 08.02.2006 passed by the IInd Joint Civil Judge, Jr. Division, Ichalkaranji below Exh. 01 in R.C.Suit Nos.133/2005, 135/05, 136/2005 and 128/2005 is under challenge. By this order, the trial court has directed the petitioners-plaintiffs to implead the Government of Maharashtra as a party defendants within 14 days from the date of the impugned order. This order was passed by the trial court suo motu under Order 1 Rule 10. The said suits have been filed by the respective petitioners, claiming a permanent injunction.

3. Both the learned counsel state that the Government of Maharashtra has no interest in the said litigation and therefore, the order passed by the trial court be set aside.

4. In view of the concession given by both the sides, this court also refrain from entering into merits

of the matter at this stage and set aside the impugned order.

5. Accordingly, all these writ petitions are allowed and the order dated 08.02.2006 is hereby quashed and set aside.

24.03.2006

(S.B.MHASE, J)

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